

APPLICATION FOR UNITED STATES PATENT  
DECLARATION \* POWER OF ATTORNEY \* PETITION

AS A BELOW-NAMED INVENTOR, I hereby declare that:  
MY RESIDENCE, citizenship, and post office address are as stated below,  
next to my name.

I BELIEVE I am:

1.  the original, first and sole inventor,
2.  an original, first and joint inventor,

of the subject matter which is claimed and for which  
a patent is sought on the invention entitled

3. GLYPHOSATE TOLERANT 5-ENOLPYRUVYL SHIKIMATE-3-  
PHOSPHATE SYNTHASES,

the specification of which, with any Preliminary Amendment,

4.  is attached hereto
5.  was filed on \_\_\_\_\_
- 5(a). as application Serial No. \_\_\_\_\_
6.  including Amendment(s) filed on \_\_\_\_\_ (date)  
and \_\_\_\_\_ (date)
7.  together with any Amendment(s) filed herewith.

I HEREBY STATE that I have reviewed and understand the contents of the  
above-identified Specification, including the Claims, as amended by any Amendment(s)  
referred to above.

I ACKNOWLEDGE my Duty to Disclose information of which I am aware  
which is material to the Examination of this Application in accordance with Title 37, Code  
of Federal Regulations, §1.56(a) including any such information which occurred between  
the filing date of any prior application listed below for which the benefit of Title 35, United  
States Code §120 is claimed and the filing date of this Application.

I HEREBY STATE that the subject matter which is claimed in any  
Amendment(s) referred to above was part of my or our invention and was invented before  
the filing of this Application.

BENEFIT OF EARLIER FILING DATE

THIS APPLICATION in whole or in part discloses and claims subject  
matter disclosed in and I hereby claim the benefit under Title 35, United States Code,  
§120 of any of my or our prior United States application(s) listed below:

	<u>SERIAL NO.</u>	<u>FILING DATE</u>	<u>STATUS</u>
8.	<u>07/749,611</u>	<u>08-28-91</u>	<u>Pending</u>
	<u>07/576,537</u>	<u>08-31-90</u>	<u>Abandoned</u>

I HEREBY CLAIM foreign priority benefits under Title 35, United States Code, §119 of any foreign application(s) for patent or Inventor's Certificate(s) listed below:

	<u>NUMBER</u>	<u>COUNTRY</u>	<u>FILING DATE</u>
9.	_____	_____	_____

Any foreign application(s) for patent or Inventor's Certificate(s) filed by me or us which claims or discloses all or any part of the subject matter claimed in this Application and which has a filing date before that of the above-listed application(s) on which foreign priority is claimed is identified below:

	<u>NUMBER</u>	<u>COUNTRY</u>	<u>FILING DATE</u>
10.	_____	_____	_____

AS TO ANY subject matter which is claimed in this Application which is not common to any above-identified prior application(s) for which the benefit of 35 USC §119 or §120 is claimed, I do not know and do not believe that the same was ever known or used in the United States before my or our invention or discovery thereof, or patented or described in any printed publication in any country before my or our invention thereof or more than one year prior to the date of this Application, or in public use or on sale in the United States more than one year prior to the date of this Application, that said subject matter has not been patented or made the subject of an Inventor's Certificate issued before the date of this Application in any country foreign to the United States on an application filed by me or my legal representatives or assigns more than twelve months prior to this Application.

AS TO ANY subject matter which is claimed in this Application which is common to any above-identified prior application(s) for which the benefit of 35 USC §120 is claimed, I do not know and believe that the same was ever known or used in the United States before my or our invention or discovery thereof, or patented or described in any printed publication in any country before my or our invention thereof or more than one year prior to the earliest of said prior application(s) to which said subject matter is common, or in public use or on sale in the United States more than one year prior to the earliest of said prior application(s) to which said subject matter is common, that said subject matter has not been patented or made the subject of an Inventor's Certificate issued before the date of the earliest of said prior application(s) to which said subject matter is common in any country foreign to the United States on an application filed by me or my legal representatives or assigns more than twelve months prior to the earliest of said prior application(s) to which said subject matter is common.

11.  ALL APPLICATION(S), if any, for patent or Inventor's Certificate on any part of said subject claimed in this Application filed by me or my representatives or assigns in any country foreign to the United States of America in addition to any listed above on which priority is claimed are listed in Annex A, attached hereto.

I HEREBY appoint the following as my attorney(s) and/or agent(s) of record with full power of substitution and revocation to prosecute this Application and to transact all business in the Patent and Trademark Office connected therewith.

12. Dennis R. Hoerner, Jr. Reg. No. 30,914  
Richard H. Shear Reg. No. 26,583  
James C. Bolding Reg. No. 26,843  
Grace L. Bonner Reg. No. 32,963  
Lawrence M. Lavin, Jr. Reg. No. 30,768

ALL correspondence/telephone calls in connection with this Application should be directed to:

13. Dennis R. Hoerner, Jr. - BB4F  
MONSANTO COMPANY  
700 Chesterfield Parkway North  
St. Louis, Missouri 63198  
13(a). Telephone Number: (314) 537-6099

I FURTHER declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the Application or any patent issuing thereon.

WHEREFORE, I PRAY that Letters Patent be granted to me solely or jointly with the additional inventor(s) (if any) named below for the invention described and claimed in the above-identified specification and claims, and I hereby subscribe my name to the above-identified specification and claims, Declaration, Power of Attorney and this Petition.

14(a). SOLE or FIRST JOINT INVENTOR,  
full name: Gerard Francis Barry

RESIDENCE (State/Country): Missouri/United States

CITIZENSHIP: Republic of Ireland

POST OFFICE ADDRESS: 6350 Waterman Avenue  
St. Louis, Missouri 63130

INVENTOR'S SIGNATURE: Gerard Francis Barry

DATE: September 13, 1994

14(b). SECOND JOINT INVENTOR (if any), full name:

Ganesh Murthy Kishore

RESIDENCE (State/Country):

Missouri/United States

CITIZENSHIP:

United States

POST OFFICE ADDRESS:

15354 Grantley Drive  
Chesterfield, Missouri 63017

INVENTOR'S SIGNATURE:

Ganesh murthy Kishore  
September 13, 1994

DATE:

14(c). THIRD JOINT INVENTOR (if any), full name:

Stephen Rogers Padgette

RESIDENCE (State/Country):

Missouri/United States

CITIZENSHIP:

United States

POST OFFICE ADDRESS:

553 Nantucket Pointe Drive  
Grover, Missouri 63040

INVENTOR'S SIGNATURE:

Stephen Rogers Padgette  
September 13, 1994

DATE:

14(c). FOURTH JOINT INVENTOR (if any), full name:

William Carlton Stallings

RESIDENCE (State/Country):

Missouri/United States

CITIZENSHIP:

United States

POST OFFICE ADDRESS:

19165 Old Logging Road  
Glencoe, Missouri 63038

INVENTOR'S SIGNATURE:

William Carlton Stallings  
Sept. 13, 1994

DATE:

## **Annex A**

**38-21(10535)**

**PCT/US91/6148 (WO 92/04449) filed August 28, 1991 designated countries:**

**Australia**

**European Patent Office (Austria, Belgium, Denmark, France, Great Britain,  
Greece, Germany, Holland, Italy, Luxemburg,  
Sweden, Spain, Switzerland)**

**Japan**

**Russian Federation**